

EXHIBIT C

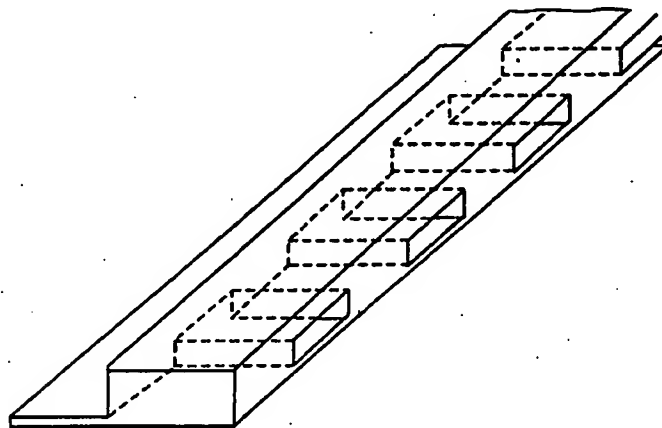
REPLY EXPERT REPORT OF
PHILIP D. DREGGER
CONCERNING U.S. PATENT 6,357,193 B1

Diversi-Plast Products, Inc. v. Battens Plus, Inc.
United States District Court for the District of Utah
Civil Action No. 2:04-CV-01005 PGC

I have been asked by the attorneys for Battens Plus, Inc. ("Battens Plus") to prepare a report in reply to certain statements appearing in the Rebuttal Report of Steve Carpenter Regarding the Validity of U.S. Patent No. 6,357,193. I incorporate by reference herein the content of my Opening Expert Report. As demonstrated in my Opening Report, I do not agree with the opinions and conclusions appearing in Mr. Carpenter's Rebuttal Report. The absence of any statement of disagreement with those opinions herein should not be construed as my agreement with those opinions.

A. **First Point.** Mr. Carpenter states on page 5 of his rebuttal that the Neumann patent does not anticipate because it does not show "first plies" or a "second ply." As stated in my rebuttal report, I do not disagree that claim 2 of the '193 patent may require separate plies. If it does, then the BattenUp product does not infringe claim 2. If claim 2 is interpreted more broadly to include batten constructions like the BattenUp product, then it also includes batten constructions disclosed by Neumann and it is anticipated.

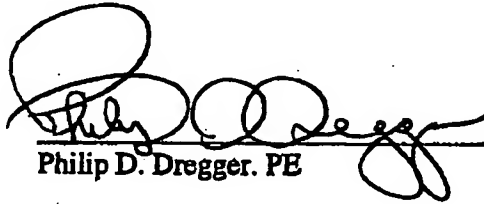
B. **Second Point.** Mr. Carpenter states on page 5 that the base plate of Figure 6 of Neumann can not be a first ply as defined by claim 2. I disagree. In my opinion, based on Figure 1, Figure 6, and the text on page 2, lines 87 to 92, a person with ordinary skill in the art of tile roofing would interpret the Neumann patent as disclosing a batten with the structure of the following illustration.



In my opinion, this illustration would anticipate claim 2 to the extent claim 2 is interpreted to not require separate plies.

C. **Third Point.** I disagree with Mr. Carpenter's statements concerning the motives to combine various art for obviousness as stated in my opening expert report.

Dated: February 27, 2006



Philip D. Dregger. PE

CASE TITLE: *Diversi-Plast Products, Inc. v. Battens Plus, Inc.*
COURT/CASE NO: USDC, Central District of Utah, No. 2:04CV1005 PGC

CERTIFICATE OF SERVICE

I am employed in the County of Sacramento; my business address is 555 Capitol Mall, 9th Floor, Sacramento, California. I am over the age of eighteen years and not a party to the foregoing action.

On February 27, 2006 I served the within:

**REPLY EXPERT REPORT OF PHILIP D. DREGGER
CONCERNING U.S. PATENT 6,357,193 B1**



(by mail) on the party(ies) listed below by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At McDonough Holland & Allen PC, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Sacramento, California.



by facsimile transmission, in accordance with Code of Civil Procedure § 1013(e), to the following party(ies) at the facsimile number(s) indicated.

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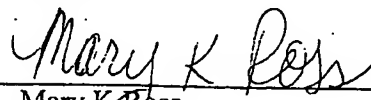
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 27, 2006, at Sacramento, California.



Mary K. Ross